

## JUSTIFICATION AND APPROVAL

### Justification for Other Than Full and Open Competition (FAR 6.3)

- 1. Contracting Agency and Activity.** The Department of the Interior, United States Geological Survey, Denver Acquisition Branch, plans to contract by means other than full and open competition. This document sets forth the justification and approval for use of one of the exceptions to full and open competition allowed under the Competition in Contracting Act (CICA) of 1984.
- 2. Nature of Action Being Approved.** Firm fixed price award to Oregon State University to summarize data of marbled murrelet presence and nesting behavior on the Reed Creek parcel, a specific habitat tract purchased as a result of the NRDAR settlement, as described in paragraph 3 below.
- 3. Description of Supplies or Services.** The USGS provides scientific guidance to Department of the Interior (DOI) and State natural resource trustees for the potentially affected resources in Natural Resource Damage Assessment cases. For the *New Carissa* NRDAR case settlement (Reed Creek, Oregon), DOI requires a review and comparison of past survey information with current surveys to verify the property is meeting the goals set forth in the Restoration Plan. The Government requires the contractor to summarize data of marbled murrelet presence and nesting behavior on the Reed Creek parcel. The summary will provide an initial interpretation of the data, identify areas of major murrelet activity (especially nesting behavior), possible flyways to and through the property, and provide a preliminary estimate of the number of murrelets actually nesting on the property. The summary will also compare current numbers of murrelet detections on the property with historical data and identify potential nest trees that could be intensively monitored on future surveys. The outcome of this deliverable will help DOI evaluate the long-term success of the restoration by improving the accuracy of future monitoring efforts for this and other cases involving this threatened species.
- 4. Estimated Dollar Value.** \$366,960
- 5. Statutory Authority.** The proposed action may be awarded without full and open competition under 41 U.S.C. 253(c)(3) as implemented in FAR 6.302-1.
- 6. Rationale Supporting Use of Citation in No. 5.**  
The USGS requires scientific support from Oregon State University (OSU), Department of Fisheries and Wildlife because of their expertise in the life history, habitat requirements, and monitoring techniques of marbled murrelets on Reed Creek, Oregon. OSU is uniquely qualified

to accomplish this task because they have past and current data on murrelets from the specific tracts of land in Oregon that are a part of the *New Carissa* restoration settlement. This unique information will provide the *New Carissa* Trustees a current and historical view of habitat use by marbled murrelets and an indication of the number of murrelets nesting on the property. This data will also provide a means of evaluating murrelet use of the property over time by comparing it to historical information. This information will assist the Trustees in evaluating the success of their restoration effort. Without the historical information held by OSU, a study comparing past states of the area with the current state is not possible.

#### **7. Other Information.**

The DOI NRDAR Program is congressionally authorized under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Clean Water Act (CWA), and the Oil Pollution Act (OPA) to recover damages to trust resources that are injured or destroyed as a result of the releases of hazardous substances. Therefore, NRDAR has a litigious component and it is critically important that scientific contractors working with the Department on any cases must have scientific credentials and as well as no conflict of interest (working with the responsible party). The expert services to be provided through this contract are necessary for the Department of the Interior for a claim involving potentially liable parties under the natural resource damage assessment provision as specified in CERCLA.

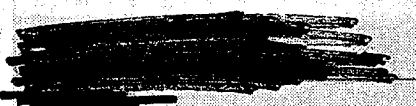
#### **8. The Efforts to Identify Additional Sources Including the Market Research Conducted.**

A sources sought announcement was posted on FedBizOpps for 30 days to determine if additional sources are available for this effort. Four responses were received. None of the respondents have or could obtain the requested historical collection information needed by the Government as a part of this case/potential litigation. Oregon State University, Department of Fisheries and Wildlife has the only existing data on this particular population of marbled murrelets, meeting the Government's minimum needs. There are no other sources that have the information necessary to complete this work.

**9. Future Plans to Permit Competition.** This procurement is expected to be a one-time requirement. Future requirements for similar actions will be competed to the maximum extent practical.

#### **10. Recommendation and Certification from Program Office**

Based on the above, I recommend this acquisition be conducted on the basis of other than full and open competition. I certify that technical data which form a basis for this justification that are the responsibility of technical or requirements personnel are complete and accurate.

  
NRDAR Program Coordinator

3/16/16  
Date

*Signature/P11 redacted*

## 11. Certifications from the Contracting Officer:

All of the requirements of the Competition in Contracting Act, (41 U.S.C. 253), as implemented in the Federal and Interior Acquisition Regulations, have been considered in preparing this justification. This justification is accurate and complete to the best of my knowledge and belief. The Contracting Officer will be able to determine the prices paid under this effort as fair and reasonable based upon market research of what other research assistants have been paid and a comparison of past invoices that Oregon State University has sent to other customers.

## 12. Approvals

**MARY WILSON**

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Interior, ou=Geological Survey, cn=MARY WILSON,  
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Beth Wilson  
Contracting Specialist  
Denver Acquisition Branch

Date

**SANDRA  
CLEVELAND**

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of the Interior, ou=Geological Survey,  
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Sandra Cleveland  
Contracting Officer  
Denver Acquisition Branch

Date

**ANNIE HOWARD**

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3.17.16

Annie Howard  
Chief of the Contracting Office  
Denver Acquisition Branch

Date

**JENNIFER  
KELLEY**

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ou=Geological Survey, cn=JENNIFER  
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Jennifer Kelley, Bureau Competition Advocate

Date